

Appl. No. 10/748,649  
Amdt. dated October 20, 2006  
Reply to Office Action of August 1, 2006

### **REMARKS/ARGUMENTS**

Claims 1, 3-17, and 22-23 are presented for the Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, and 3-17 stand rejected under 35 U.S.C. §102(e) as anticipated by Hermans et al., U.S. patent number 6,887,348. Hermans '348 is assigned to Kimberly-Clark Worldwide, Inc. The Applicants have amended the pending claims to recite a relatively thick chemical additive having a specific viscosity range. Support for the amendment to claim 1 and for new claim 22 can be found at page 17, lines 3-9. Since the chemical additive has a thick viscosity, a practical way of applying it to the substrate is to extrude it using an extrusion device as discussed at page 14, lines 20-31. As amended, claim 1 is not anticipated by Hermans and the rejection has been overcome.

New claim 23 has been added to recite the structure for the applied chemical additive in one embodiment as discussed on page 18, lines 19-29, when applying it using an extrusion device.

With regard to the obviousness rejection of claim 17, Hermans '348 and the subject matter of the pending application were, at the time the invention was made, owned by the same person or under an obligation of assignment to the same person. Since Hermans '348 is a 35 U.S.C §102(e) reference, it is not available as prior art in the pending application for an obviousness rejection. See MPEP §706.02(I)(1).

Withdrawn claim 2 has been amended similar to claim 1. The basis for the Examiner's original species election was with regard to the type of paper recited in each independent claim and since Hermans '348 at column 11, lines 26-41, discloses both claimed species. It is submitted that the withdrawn claims are also in a condition for allowance at this time.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims, including the withdrawn claims, are in form for allowance. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

Respectfully submitted,

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